

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENWOOD DIVISION

Richard Allen Hunter, Jr.,	)	C/A NO. 8:07-910-CMC-BHH
	)	
Plaintiff,	)	
	)	<b>OPINION and ORDER</b>
v.	)	
	)	
Lt. Officer F.L. Champagne,	)	
	)	
Defendant.	)	
	)	

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This matter is before the court on Plaintiff's complaint, filed in this court pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation ("Report"). On January 16, 2008, the Magistrate Judge issued a Report recommending that Defendant's motion for summary judgment be granted. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff has filed no objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report only for clear error in the absence of an objection.

*See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. To the extent Plaintiff’s complaint is construed as a § 1983 action alleging an unreasonable seizure in violation of the Fourth Amendment, Defendant’s motion for summary judgment is **granted**. To the extent Plaintiff has raised state law causes of action of malicious prosecution or false arrest, this court declines to exercise supplemental jurisdiction over such claims and they are, as presented, dismissed without prejudice. Plaintiff’s motion for appointment of counsel is **moot**.<sup>1</sup>

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON McGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
February 11, 2008

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<sup>1</sup>Plaintiff filed a pleading entitled “Memorandum in Support of Motion for Summary Judgment.” Dkt. # 18 (filed Aug. 27, 2007). This Memorandum was not accompanied by a motion, and no motion was docketed by the Clerk. To the extent Plaintiff’s “Memorandum” can be deemed a motion for summary judgment, it is **denied**.